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**FROMMER LAWRENCE & HAUG LLP**

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**FACSIMILE COVER LETTER**

**To:** Commissioner for Patents  
Examiner Yenke, Brian P.

**Firm:** U.S. Patent and Trademark Office  
Art Unit 2614

**Facsimile:** (571) 273-8300

**From:** Thomas F. Presson

**Date:** May 24, 2006

**Re:** FLH Ref No.: 450100-03743  
Serial No: 10/085,659

**Number of Pages:** 20  
(including cover page)

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PATENT  
450100-03743RECEIVED  
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MAY 24 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tomohiro Nishi, et al.  
 Serial No. : 10/085,659  
 Filed : February 26, 2002  
 For : OPTICAL STATE MODULATION METHOD AND SYSTEM, AND  
 OPTICAL STATE MODULATION APPARATUS  
 Examiner : Yenke, Brian P.  
 Art Unit : 2614

745 Fifth Avenue  
 New York, NY 10151  
 Tel: 212-588-0800

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required.  
☐ The fee has been calculated as shown below.  
☐ This is an application of a small entity under 37 CFR 1.9(f), and the amounts shown in parentheses apply.

Claims as Amended

(1)	(2) Claims remaining after amendment	(3)	(4) Highest number previously paid for	(5) Present extra	(6) Rate	(7) Additional Fee
Total claims	23	Minus	** = 23	* 0 x	\$50 (25)	= \$ 0
Independent claims	15	Minus	*** = 15	* 0 x	\$200 (100)	= \$ 0
Total additional fee for this amendment						\$ 0

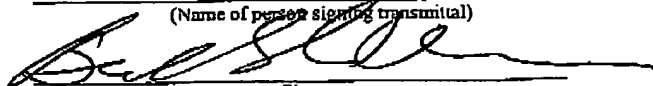
- \* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.  
 \*\* If the highest number of total claims previously paid for is less than 20, write "20" in this space.  
 \*\*\* If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

- ☐ This application contains a multiple dependent claim. The required fee of \$360(180) has been previously paid ☐, or is paid herewith ☐.
- ☐ This response is being filed within the \_\_\_\_\_ month following the expiration of the term originally set therefor. This is a petition to request a \_\_\_\_\_ month extension of time. A check covering the cost of the petition is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ is attached, which covers the cost of ☐ Terminal Disclaimer \_\_\_\_\_ petition for extension of time.
- ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 50-0320.
- ☒ Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile to (571) 273-8300 on May 24, 2006.

Barnet Shindlman  
 (Name of person signing transmittal)



Signature

May 24, 2006

Date of Signature

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
 Attorneys for Applicants

By:

Thomas F. Presson  
 Reg. No. 41,442  
 Tel: 212-588-0800

00374430

U.S. Patent Application No. 10/085,659  
Reply to Final Office Action dated March 7, 2006

PATENT  
450100-03743

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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APPARATUS  
Examiner : Yenke, Brian P.  
Art Unit : 2614  
Confirmation No. : 8660

745 Fifth Avenue  
New York, NY 10151  
Tel. (212) 588-0800

**CERTIFICATE OF FACSIMILE**

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Barnet Shindelman

(Name of person signing transmittal)



Signature

May 24, 2006

Date of Signature

**RESPONSE UNDER 37 C.F.R. § 1.116**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed on March 7, 2006, having a three-month statutory period for response set to expire on June 7, 2006, please consider the following remarks.

U.S. Patent Application No. 10/085,659  
Reply to Final Office Action dated March 7, 2006

PATENT  
450100-03743

**Listing of the Claims** begins on page 3 of this paper.

**Remarks/Arguments** begin on page 15 of this paper.